

Amendment No. 1 to SB1566

**Kilby
Signature of Sponsor**

AMEND Senate Bill No. 1566*

House Bill No. 1875

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by inserting the language "on public lands or public waters" immediately following the language "with a firearm" in § 70-4-601 in SECTION 1.

AND FURTHER AMEND by inserting the language "on public lands or public waters" immediately following the language "with a firearm" in § 70-4-602 in SECTION 1.

AND FURTHER AMEND by deleting the language "be confined in the county jail or workhouse for forty-eight (48) hours" in the first sentence of subdivision (a)(1)(A) in § 70-4-602 in SECTION 1 and by substituting instead "shall be punished as provided in § 55-10-403(s) except that such person shall not be subject to subdivision (5) of such subsection".

AND FURTHER AMEND by inserting the following language in subdivision (a)(1)(B) in § 70-4-602 in SECTION 1:

Upon the conviction of a person on the second offense only, a judge may sentence such person to participate in a court approved alcohol or drug treatment program subject to the provisions of § 55-10-403(a)(4)(A).

AND FURTHER AMEND by deleting the language "This section" in subdivision (b)(2) of § 70-4-602 in SECTION 1 and by substituting instead the language "This subsection".

AND FURTHER AMEND by deleting subsection (d) of § 70-4-602 in SECTION 1 and by substituting instead the following language:

(d) Upon conviction for a violation of § 70-4-601, the court shall assess against such person a fee pursuant to the provisions of subsection (i) of § 55-10-403 and a blood alcohol concentration (BAT) test fee pursuant to the provisions of § 55-10-419 and subsections (h) and (q) of § 55-10-403.

(e) A person convicted of violating § 70-4-601 shall serve the minimum sentence and pay the minimum applicable fine as provided for persons convicted of violations under title 55, chapter 10, part 4 pursuant to the provisions of § 55-10-403 (b)(1) and (2).

In addition, such person shall be required to serve the difference between the time actually served and the maximum sentence on probation subject to the provisions of § 55-10-403(c). Such person may also be required to remove litter in lieu of or in addition to any other penalty after service of the minimum sentence as provided in § 55-10-403(a)(1)(A).

(f) The provisions of § 44-10-403 (g) regarding subsequent convictions shall apply to persons convicted or prosecuted of an offense under this part.

(g) The provisions of § 44-10-403(j) regarding strip and/or body cavity searches shall apply to persons arrested under the provisions of this part.